

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

§

v.

§

CRIM. ACTION NO. 6:18CR16

HEON JONG YOO

§

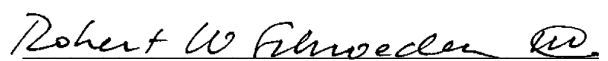
ORDER

Defendant has filed a “Judicial Notice” (Docket No. 201) requesting that the Court take judicial notice that Defendant “took an oath to defend the constitution of the US against all enemies foreign and domestic” on January 26, 2018 at Dallas MEPS.

Under Federal Rule of Evidence 201(a), a Court may take judicial notice of adjudicative facts. Facts subject to judicial notice are those which are either “(1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” FED. R. EVID. 201(b). A court may not take judicial notice of a matter that is in dispute. *CleanCOALition v. TXU Power*, 536 F.3d 469, 471 n.2 (5th Cir. 2008).

The Court is unable to ascertain the meaning of “Dallas MEPS.” But even if the Court could do so, that Defendant has taken an oath is not a fact generally known within the territorial jurisdiction of this Court, nor has Defendant demonstrated that this fact is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Indeed, Defendant does not direct this court to any supporting source. If relevant, Defendant may present evidence of this matter at trial. Accordingly, Defendant’s request is **DENIED**.

SIGNED this 8th day of November, 2018.



ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE